



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Berenstein et al.
Application No.:	10/063,315
Filed:	April 10, 2002
For:	Hybrid Stent
Examiner:	Not yet assigned
Group Art Unit:	3731

Commissioner for Patent  
Washington, D.C. 20231

Docket No.: 2002-10039

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## INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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**Page 2**

Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

English language abstracts of DE 196 34241 and DE 297 21310 are included herewith. The relevance of these publications is believed to be as stated in the abstract and as shown in the Figures of the publications.

  X   I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X   (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X   (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

      II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

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**Page 3**

- \_\_\_\_\_ (1) a certification as specified in §1.97(e) is provided below; or
- \_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

\_\_\_\_\_ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

**X** **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

***If paragraph II.1 or III is checked, also check one of the paragraphs below***

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the

***Information Disclosure Statement***  
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information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: June 26, 2002

By: \_\_\_\_\_

  
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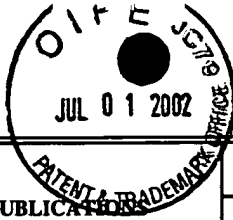
<b>Modified Form 1449 UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)</b>		ATTY DOCKET NO.:S63.2-10039		APPLICATION NO. 10/063,315	
		APPLICANT: Berenstein et al.			
		FILING DATE: April 10, 2002		GROUP: 3731	
<b>UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY</b>					
EXAM'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA	09/681,394	3/28/01	Eder et al.	
	DB				
	DC				
	DD				
	DE				
	DF				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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<b>Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)</b>		ATTY DOCKET NO.:S63.2-10039		APPLICATION NO. 10/063,315		
		APPLICANT: Berenstein et al.				
		FILING DATE: April 10, 2002		GROUP: Not yet assigned		
<b>US APPLICATIONS RELATED BY PRIORITY</b>						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA					
	EB					
	EC					
	ED					
	EE					
	EF					
	EG					
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**Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

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FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)

ATTY DOCKET NO.: S63.2-10039

APPLICATION NO.: 10/063,315

APPLICANT: Berenstein et al.

FILING DATE: April 10, 2002

GROUP: 3731

## REFERENCE DESIGNATION

## U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,553,545	11/19/85	Maass et al.	128/341	
	AB	4,739,768	4/26/88	Engelson	128/658	
	AC	4,884,579	12/5/89	Engelson	128/772	
	AD	5,061,275	10/29/91	Wallsten et al.	623/1	
	AE	5,091,205	2/25/92	Fan	427/2	
	AF	5,540,680	7/30/96	Guglielmi et al.	606/32	
	AG	6,165,178	12/26/00	Bashiri et al.	606/108	
	AH					
	AI					
	AJ					
	AK					
	AL					

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY
	BA	96/26689	09/06/96	WO
	BB	97/37615	10/16/97	WO
	BC	01/45593	06/28/01	WO
	BD	196 34 241 A1	02/26/98	DE (including English language abstract)
	BE	297 21 310 U1	03/26/98	DE (including English language abstract)

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CA	
	CB	
	CC	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.